

JS-6

United States District Court  
Central District of California

LIONS GATE FILMS INC.,  
Plaintiff,

v.

AHMED SALEH; AMIEL ELBAR,  
MUHAMMAD JAVED ASHRAF; TOM  
MESSCHENDORP; JEROME GILLAN;  
LUCAS LIM; and DOES 1-14, inclusive,  
Defendants.

Case No. 2:14-CV-06033-ODW-AGR

**JUDGMENT AGAINST  
DEFENDANTS JAVED ASHRAF,  
TOM MESSCHENDORP, AND  
LUCAS LIM**

On December 9, 2015, Plaintiff Lions Gate Films, Inc. (“Lions Gate”) filed this action, alleging direct, contributory, and vicarious federal copyright infringement in violation of 17 U.S.C. § 501. (ECF No. 1.) On December 9, 2014, Lions Gate filed a First Amended Complaint identifying Javed Ashraf, Tom Messchendorp, and Lucas Lim as defendants. (ECF No. 45.) On November 30, 2015, the Clerk of Court entered a default as to Defendants Ashraf, Messchendorp, and Lim. (ECF No. 60.) On March 21, 2015, this Court granted Lions Gate’s Motion for Entry of Default Judgment against Defendants Ashraf, Messchendorp, and Lim. (ECF No. 67.)

Exhibit "5"

1 In accordance with the Court's Order Granting Lions Gate's Motion for Default  
2 Judgment (ECF No. 67), it is hereby **ORDERED, ADJUDGED, and DECREED** as  
3 follows:

4 1. Defendants Ashraf, Messchendorp, and Lim are each liable for each of  
5 the causes of action asserted against them in Lions Gate's First Amended Complaint;

6 2. Lions Gate shall recover from Defendant Ashraf the sum of One Hundred  
7 and Fifty Thousand Dollars (\$150,000);

8 3. Lions Gate shall recover from Defendant Messchendorp the sum of One  
9 Hundred and Fifty Thousand Dollars (\$150,000);

10 4. Lions Gate shall recover from Defendant Lim the sum of One Hundred  
11 and Fifty Thousand Dollars (\$150,000);

12 5. Lions Gate shall recover from Defendants Ashraf, Messchendorp, and  
13 Lim jointly and severally the amount of Twelve Thousand Six Hundred Dollars  
14 (\$12,600);

15 6. Lions Gate shall recover from Defendants Ashraf, Messchendorp, and  
16 Lim jointly and severally its reasonable recoverable costs to be evidenced by a bill of  
17 costs;

18 7. Any and all award of damages, fees, and costs against Defendants  
19 Ashraf, Messchendorp, and Lim shall accrue post-judgment interest pursuant to 28  
20 U.S.C. § 1961;

21 8. Defendants Ashraf, Messchendorp, and Lim, and each of them, including  
22 without limitation their agents, servants, employees, officers, attorneys, successors,  
23 licensees, partners, and assigns and all those acting in active concert or participation  
24 with any of them, are permanently enjoined from:

- 25 a. Hosting, linking to, distributing, reproducing, performing, selling,  
26 offering for sale, making available for download, streaming or  
27 making any other use of any copy or copies of the digital file of the  
28 motion picture "The Expendables 3" that was stolen and uploaded

1 to the Internet without Lions Gate's authorization or consent (the  
2 "Stolen Film") or any portion thereof in any form;

3 b. Taking any action that induces, causes or materially contributes to  
4 the direct infringement of Lions Gate's rights in the Stolen Film by  
5 any third party, including without limitation hosting, linking to or  
6 otherwise providing access to any torrent files, trackers, links  
7 (including without limitation magnet links), hash values or other  
8 instruction sets of any kind that enable users to locate or access any  
9 "swarm" or other location where any copy or copies of the Stolen  
10 Film or any portion thereof are being distributed, reproduced,  
11 performed or otherwise exploited in any form; and

12 c. Operating any of the websites identified in this Judgment, or any  
13 other website on which Lions Gate's rights in the Stolen Film are  
14 infringed.

15 6. Defendants Ashraf, Messchendorp, and Lim, and each of them, including  
16 without limitation their agents, servants, employees, officers, attorneys, successors,  
17 licensees, partners, and assigns and all those acting in active concert or participation  
18 with any of them shall deliver to Lions Gate, at Defendants Ashraf, Messchendorp,  
19 and Lim's own cost:

20 a. All hard copy and electronic copies of the Stolen Film and any  
21 images from or other portions of the Stolen Film, as well as any  
22 other images or films owned by Lions Gate, or any portions or  
23 modifications thereof, within the possession, custody or control of  
24 Defendants and any of them, pursuant to an appropriate protocol  
25 for identifying and retrieving all infringing electronically stored  
26 information within the possession, custody or control of  
27 Defendants Ashraf, Messchendorp, and Lim, and each of them;  
28 and

b. Verifications executed under penalty of perjury confirming that Defendants and each of them have complied with the requirements of subparagraphs 14(a) through 15(a) above and that no copies of the Stolen Film or any portions thereof remain within their possession, custody or control.

7. Defendants Ashraf, Messchendorp, and Lim, and each of them, including without limitation their agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns and all those acting in active concert or participation with any of them, are permanently enjoined from effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth herein;

8. This Court retains jurisdiction over this matter for the purposes of making any further orders necessary or proper for the enforcement of this Judgment and the punishment of any violations thereof.

**IT IS SO ORDERED.**

March 24, 2016

~~Christ Wright~~

**OTIS D. WRIGHT, II**  
**UNITED STATES DISTRICT JUDGE**